

FIRST REGULAR SESSION  
[P E R F E C T E D]  
SENATE SUBSTITUTE NO. 4 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 430**  
**94TH GENERAL ASSEMBLY**

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INTRODUCED BY SENATOR SHIELDS.

Offered April 24, 2007.

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TERRY L. SPIELER, Secretary.

1285S.12P

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**AN ACT**

To repeal sections 160.534, 313.805, and 313.812, RSMo, and to enact in lieu thereof ten new sections relating to the use of gaming proceeds to provide students with opportunities for higher education, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 160.534, 313.805, and 313.812, RSMo, are repealed  
2 and ten new sections enacted in lieu thereof, to be known as sections 160.534,  
3 168.700, 168.702, 173.950, 313.805, 313.806, 313.812, 313.823, 313.964, and 1, to  
4 read as follows:

160.534. 1. For fiscal year 1996 and each subsequent fiscal year, any  
2 amount of the excursion gambling boat proceeds deposited in the gaming proceeds  
3 for education fund in excess of the amount transferred to the school district bond  
4 fund as provided in section 164.303, RSMo, shall be transferred to the classroom  
5 trust fund. Such moneys shall be distributed in the manner provided in section  
6 163.043, RSMo. **For fiscal year 2008, all funds transferred from the**  
7 **gaming proceeds for education fund in excess of the sum of the amount**  
8 **transferred to the school district bond fund for the preceding fiscal**  
9 **year plus the amount transferred to the classroom trust fund for the**  
10 **preceding fiscal year times one and five hundredths, shall be**  
11 **transferred to the smart start fund, which is hereby established. The**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

12 state treasurer shall be custodian of the fund and may approve  
13 disbursements from the fund in accordance with sections 30.170 and  
14 30.180, RSMo. Upon appropriation, money in the fund shall be used  
15 solely for operating appropriations to institutions of public higher  
16 education. Notwithstanding the provisions of section 33.080, RSMo, to  
17 the contrary, any moneys remaining in the fund at the end of the  
18 biennium shall not revert to the credit of the general revenue  
19 fund. The state treasurer shall invest moneys in the fund in the same  
20 manner as other funds are invested. Any interest and moneys earned  
21 on such investments shall be credited to the fund. At the end of each  
22 biennium and after all statutorily or constitutionally required transfer  
23 of funds have been made, the state treasurer shall transfer the balance  
24 in the fund, except for gifts, donations, bequests, or money received  
25 from a federal source, created in this section in excess of two hundred  
26 percent of the previous fiscal year's expenditures into the state general  
27 revenue fund.

28       2. For fiscal year 2009 and for each fiscal year thereafter, the  
29 amount transferred from the gaming proceeds for education fund to the  
30 classroom trust fund shall be the amount transferred to the fund during  
31 the preceding fiscal year, adjusted by one half of the percent increase  
32 or decrease of the gaming proceeds for education fund from the  
33 preceding fiscal year; and the amount transferred from the gaming  
34 proceeds for education fund to the smart start fund shall be the amount  
35 transferred to the fund during the preceding fiscal year, adjusted by  
36 one half of the percent increase or decrease of the gaming proceeds for  
37 education fund from the preceding fiscal year.

168.700. 1. This act shall be known, and may be cited, as the  
2 "Missouri Teaching Fellows Program".

3       2. As used in this section, the following terms shall mean:

4       (1) "Department", the Missouri department of higher education;

5       (2) "Eligible applicant": a high school senior who:

6       (a) Is a United States citizen;

7       (b) Has a cumulative grade point average ranking in the top ten  
8 percentile in their graduating class and scores in the top twenty  
9 percentile on either the ACT or SAT assessment; or has a cumulative  
10 grade point average ranking in the top twenty percentile in their

11 graduating class and scores in the top ten percentile of the ACT or SAT  
12 assessment;

13 (c) Upon graduation from high school, attends a Missouri higher  
14 education institution and attains a teaching certificate and either a  
15 bachelors or graduate degree with a cumulative grade point average of  
16 at least 3.0 on a 4 point scale or equivalent;

17 (d) Signs an agreement with the department in which the  
18 applicant agrees to engage in qualified employment upon graduation  
19 from a higher education institution for five years; and

20 (e) Upon graduation from the higher education institution,  
21 engages in qualified employment;

22 (3) "Qualified employment", employment as a teacher in a school  
23 located in a school district that is not classified as accredited by the  
24 state board of education at the time the eligible applicant signs their  
25 first contract to teach in such district. Preference in choosing schools  
26 to receive participating teachers shall be given to schools in such  
27 school districts with a higher than the state average of students eligible  
28 to receive a reduced lunch price under the National School Act, 42  
29 U.S.C. Section 1751 et seq., as amended;

30 (4) "Teacher", any employee of a school district, regularly  
31 required to be certified under laws relating to the certification of  
32 teachers, except superintendents and assistant superintendents but  
33 including certified teachers who teach at the prekindergarten level  
34 within a prekindergarten program in which no fees are charged to  
35 parents or guardians.

36 3. Within the limits of amounts appropriated therefor, the  
37 department shall, upon proper verification to the department by an  
38 eligible applicant and the school district in which the applicant is  
39 engaged in qualified employment, enter into a one-year contract with  
40 eligible applicants to repay the interest and principal on the  
41 educational loans of the applicants or provide a stipend to the  
42 applicant as provided in subsection 4 of this section. The department  
43 may enter into subsequent one-year contracts with eligible applicants,  
44 not to total more than five such contracts. The fifth one-year contract  
45 shall provide for a stipend to such applicants as provided in subsection  
46 4 of this section. If the school district becomes accredited at any time

47 during which the eligible applicant is teaching at a school under a  
48 contract entered into pursuant to this section, nothing in this section  
49 shall preclude the department and the eligible applicant from entering  
50 into subsequent contracts to teach within the school district. An  
51 eligible applicant who does not enter into a contract with the  
52 department under the provisions of this subsection shall not be eligible  
53 for repayment of educational loans or a stipend under the provisions  
54 of subsection 4 of this section.

55 4. At the conclusion of each of the first four academic years that  
56 an eligible applicant engages in qualified employment, up to one-fourth  
57 of the eligible applicant's educational loans, not to exceed five  
58 thousand dollars per year, shall be repaid under terms provided in the  
59 contract. For applicants without any educational loans, the applicant  
60 may receive a stipend of up to five thousand dollars at the conclusion  
61 of each of the first four academic years that the eligible applicant  
62 engages in qualified employment. At the conclusion of the fifth  
63 academic year that an eligible applicant engages in qualified  
64 employment, a stipend in an amount equal to one thousand dollars shall  
65 be granted to the eligible applicant. The maximum of five thousand  
66 dollars per year and the stipend of one thousand dollars shall be  
67 adjusted annually by the same percentage as the increase in the  
68 general price level as measured by the Consumer Price Index for All  
69 Urban Consumers for the United States, or its successor index, as  
70 defined and officially recorded by the United States Department of  
71 Labor or its successor agency. The amount of any repayment of  
72 educational loans or the issuance of a stipend under this subsection  
73 shall not exceed the actual cost of tuition, required fees, and room and  
74 board for the eligible applicant at the institution of higher education  
75 from which the eligible applicant graduated.

76 5. The department shall maintain a "Missouri Teaching Fellows  
77 Program" coordinator position, the main responsibility of which shall  
78 be the identification, recruitment, and selection of potential students  
79 meeting the requirements of paragraph (b) of subdivision (2) of  
80 subsection 2 of this section. In selecting potential students, the  
81 coordinator shall give preference to applicants that represent a variety  
82 of racial backgrounds in order to ensure a diverse group of eligible

83 applicants.

84           6. The department shall promulgate rules to enforce the  
85 provisions of this section, including, but not be limited to: applicant  
86 eligibility, selection criteria, and the content of loan repayment  
87 contracts. If the number of applicants exceeds the revenues available  
88 for loan repayment or stipends, priority shall be to those applicants  
89 with the highest high school grade point average and highest scores on  
90 the ACT or SAT assessments.

91           7. Any rule or portion of a rule, as that term is defined in section  
92 536.010, RSMo, that is created under the authority delegated in this  
93 section shall become effective only if it complies with and is subject to  
94 all of the provisions of chapter 536, RSMo, and, if applicable, section  
95 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
96 and if any of the powers vested with the general assembly pursuant to  
97 chapter 536, RSMo, to review, to delay the effective date, or to  
98 disapprove and annul a rule are subsequently held unconstitutional,  
99 then the grant of rulemaking authority and any rule proposed or  
100 adopted after August 28, 2007, shall be invalid and void.

101           8. There is hereby created in the state treasury the "Missouri  
102 Teaching Fellows Program Fund". The state treasurer shall be  
103 custodian of the fund and may approve disbursements from the fund in  
104 accordance with sections 30.170 and 30.180, RSMo. Private donations,  
105 federal grants, and other funds provided for the implementation of this  
106 section shall be placed in the Missouri teaching fellows program  
107 fund. Upon appropriation, money in the fund shall be used solely for  
108 the repayment of loans and the payment of stipends under the  
109 provisions of this section. Notwithstanding the provisions of section  
110 33.080, RSMo, to the contrary, any moneys remaining in the fund at the  
111 end of the biennium shall not revert to the credit of the general  
112 revenue fund. The state treasurer shall invest moneys in the fund in  
113 the same manner as other funds are invested. Any interest and moneys  
114 earned on such investments shall be credited to the fund.

115           9. Subject to appropriations, the general assembly shall include  
116 an amount necessary to properly fund this section, not to exceed one  
117 million dollars in any fiscal year. The maximum of one million dollars  
118 in any fiscal year shall be adjusted annually by the same percentage as

119 the increase in the general price level as measured by the Consumer  
120 Price Index for All Urban Consumers for the United States, or its  
121 successor index, as defined and officially recorded by the United States  
122 Department of Labor or its successor agency.

168.702. Pursuant to section 23.253, RSMo, of the Missouri Sunset  
2 Act:

3 (1) Any new program authorized under section 168.700 shall  
4 automatically sunset six years after the effective date of this act unless  
5 reauthorized by an act of the general assembly; and

6 (2) If such program is reauthorized, the program authorized  
7 under section 168.700 shall automatically sunset twelve years after the  
8 effective date of the reauthorization of this act; and

9 (3) Section 168.700 shall terminate on September first of the  
10 calendar year immediately following the calendar year in which a  
11 program authorized under section 168.700 is sunset.

173.950. 1. This section shall be known and cited as the "Smart  
2 Start Scholarship Act".

3 2. As used in this section, the following terms shall be defined as:

4 (1) "Department", the Missouri department of higher education;

5 (2) "Qualifying student", a person who attends a high school in  
6 this state for three consecutive academic years immediately prior to  
7 being graduated from the institution, and who, within two calendar  
8 years from the date of graduation, applies for a grant under this  
9 section, provided that students who are active duty military  
10 dependents and who, in the school year immediately preceding  
11 graduation, meet all other requirements of this section and are  
12 graduated from a high school in this state shall be exempt from the  
13 three-year attendance requirement of this subdivision. In order to be  
14 a qualifying student, such person shall provide documentation of the  
15 following:

16 (a) Satisfaction of good citizenship requirements and a pledge to  
17 refrain from unlawful use of alcohol and drugs;

18 (b) Such person has completed the recommended high school  
19 core curriculum with a cumulative grade point average of a 2.5 on a 4.0  
20 scale, or equivalent on another scale;

21 (3) "Qualifying institution", an "approved public institution" or an

22 "approved private institution", as such terms are defined in section  
23 173.205, or an accredited proprietary school certificated to operate in  
24 this state by the department of higher education under section 173.604,  
25 or an educational institution located in Missouri deemed acceptable by  
26 the department under rules promulgated pursuant to this section.

27 3. The smart start scholarship program is hereby established and  
28 shall be administered by the department. Within the limits established  
29 by this section and subject to available appropriations, each qualifying  
30 student shall be eligible to receive a grant for educational expenses  
31 incurred while attending a qualifying institution for no more than two  
32 academic years. Grant amounts shall be distributed to each qualifying  
33 student by the department, which shall annually establish a maximum  
34 grant amount based on the number of applicants and available monies  
35 in the fund.

36 4. There is hereby created in the state treasury the "Smart Start  
37 Scholarship Fund" which shall consist of moneys appropriated to it by  
38 the general assembly, and charges, gifts, grants, and bequests from  
39 federal, private, or other sources made for the purpose of assisting  
40 students in financing their education. General revenue, in an amount  
41 equal to the annual transfer made to the smart start fund under section  
42 160.534, RSMo, shall be transferred to the smart start scholarship fund  
43 on an annual basis. The state treasurer shall be custodian of the fund  
44 and may approve disbursements from the fund in accordance with  
45 sections 30.170 and 30.180, RSMo. Upon appropriation, money in the  
46 fund shall be distributed in the following manner: one million dollars  
47 in every fiscal year shall be transferred to the Missouri teaching  
48 fellows program fund created in section 168.700, RSMo, and such  
49 transfer shall be adjusted annually by the same percentage as the  
50 increase in the general price level as measured by the Consumer Price  
51 Index for All Urban Consumers for the United States, or its successor  
52 index, as defined and officially recorded by the United States  
53 Department of Labor or its successor agency; and the remainder shall  
54 be used solely for the administration of this section. Notwithstanding  
55 the provisions of section 33.080, RSMo, to the contrary, any moneys  
56 remaining in the fund at the end of the biennium shall not revert to the  
57 credit of the general revenue fund. The state treasurer shall invest

58 moneys in the fund in the same manner as other funds are  
59 invested. Any interest and moneys earned on such investments shall be  
60 credited to the fund. At the end of each biennium and after all  
61 statutorily or constitutionally required transfer of funds have been  
62 made, the state treasurer shall transfer the balance in the fund, except  
63 for gifts, donations, bequests, or money received from a federal source,  
64 created in this section in excess of two hundred percent of the previous  
65 fiscal year's expenditures into the state general revenue fund.

66 5. The department shall promulgate rules to establish a  
67 procedure for implementing this section. Any rule or portion of a rule,  
68 as that term is defined in section 536.010, RSMo, that is created under  
69 the authority delegated in this section shall become effective only if it  
70 complies with and is subject to all of the provisions of chapter 536,  
71 RSMo, and, if applicable, section 536.028, RSMo. This section and  
72 chapter 536, RSMo, are nonseverable and if any of the powers vested  
73 with the general assembly pursuant to chapter 536, RSMo, to review, to  
74 delay the effective date, or to disapprove and annul a rule are  
75 subsequently held unconstitutional, then the grant of rulemaking  
76 authority and any rule proposed or adopted after August 28, 2007, shall  
77 be invalid and void.

78 6. The provisions of section 23.253, RSMo, shall not apply to this  
79 section.

313.805. The commission shall have full jurisdiction over and shall  
2 supervise all gambling operations governed by sections 313.800 to 313.850. The  
3 commission shall have the following powers and shall promulgate rules and  
4 regulations to implement sections 313.800 to 313.850:

5 (1) To investigate applicants and determine the priority and eligibility of  
6 applicants for a license and to select among competing applicants for a license the  
7 applicant which best serves the interests of the citizens of Missouri;

8 (2) To license the operators of excursion gambling boats and operators of  
9 gambling games within such boats, to identify occupations within the excursion  
10 gambling boat operations which require licensing, and adopt standards for  
11 licensing the occupations including establishing fees for the occupational licenses  
12 and to license suppliers;

13 (3) To adopt standards under which all excursion gambling boat  
14 operations shall be held and standards for the facilities within which the



15 gambling operations are to be held. Notwithstanding the provisions of chapter  
16 311, RSMo, to the contrary, the commission may authorize the operation of  
17 gambling games on an excursion gambling boat which is also licensed to sell or  
18 serve alcoholic beverages, wine, or beer. The commission shall regulate the  
19 wagering structure for gambling excursions [including providing a maximum loss  
20 of five hundred dollars per individual player per gambling excursion], **provided**  
21 **that the commission shall not establish any maximum loss limit;**

22 (4) To enter the premises of excursion gambling boats, facilities, or other  
23 places of business of a licensee within this state to determine compliance with  
24 sections 313.800 to 313.850;

25 (5) To investigate alleged violations of sections 313.800 to 313.850 or the  
26 commission rules, orders, or final decisions;

27 (6) To assess any appropriate administrative penalty against a licensee,  
28 including, but not limited to, suspension, revocation, and penalties of an amount  
29 as determined by the commission up to three times the highest daily amount of  
30 gross receipts derived from wagering on the gambling games, whether  
31 unauthorized or authorized, conducted during the previous twelve months as well  
32 as confiscation and forfeiture of all gambling game equipment used in the conduct  
33 of unauthorized gambling games. Forfeitures pursuant to this section shall be  
34 enforced as provided in sections 513.600 to 513.645, RSMo;

35 (7) To require a licensee, an employee of a licensee or holder of an  
36 occupational license to remove a person violating a provision of sections 313.800  
37 to 313.850 or the commission rules, orders, or final orders, or other person  
38 deemed to be undesirable from the excursion gambling boat or adjacent facilities;

39 (8) To require the removal from the premises of a licensee, an employee  
40 of a licensee, or a holder of an occupational license for a violation of sections  
41 313.800 to 313.850 or a commission rule or engaging in a fraudulent practice;

42 (9) To require all licensees to file all financial reports required by rules  
43 and regulations of the commission;

44 (10) To issue subpoenas for the attendance of witnesses and subpoenas  
45 duces tecum for the production of books, records, and other pertinent documents,  
46 and to administer oaths and affirmations to the witnesses, when, in the judgment  
47 of the commission, it is necessary to enforce sections 313.800 to 313.850 or the  
48 commission rules;

49 (11) To keep accurate and complete records of its proceedings and to  
50 certify the records as may be appropriate;

51           (12) To ensure that the gambling games are conducted fairly. No  
52 gambling device shall be set to pay out less than eighty percent of all wagers;

53           (13) To require all licensees of gambling game operations to use a cashless  
54 wagering system whereby all players' money is converted to physical or electronic  
55 tokens, electronic cards, or chips which only can be used for wagering on the  
56 excursion gambling boat;

57           (14) To require excursion gambling boat licensees to develop a system,  
58 approved by the commission, that allows patrons the option to prohibit the  
59 excursion gambling boat licensee from using identifying information for  
60 marketing purposes. The provisions of this subdivision shall apply only to  
61 patrons giving identifying information for the first time. Such system shall be  
62 submitted to the commission by October 1, 2000, and approved by the commission  
63 by January 1, 2001. The excursion gambling boat licensee shall use identifying  
64 information obtained from patrons who have elected to have marketing blocked  
65 under the provisions of this section only for the purposes of enforcing the  
66 requirements contained in sections 313.800 to 313.850. This section shall not  
67 prohibit the commission from accessing identifying information for the purposes  
68 of enforcing section 313.004 and sections 313.800 to 313.850;

69           (15) To determine which of the authorized gambling games will be  
70 permitted on any licensed excursion gambling boat;

71           (16) Excursion gambling boats shall cruise, unless the commission finds  
72 that the best interest of Missouri and the safety of the public indicate the need  
73 for continuous docking of the excursion gambling boat in any city or county  
74 authorized pursuant to subsection 10 of section 313.812. The commission shall  
75 base its decision to allow continuously docked excursion gambling boats on any  
76 of the following criteria: the docking location or the excursion cruise could cause  
77 danger to the boat's passengers, violate federal law or the law of another state,  
78 or cause disruption of interstate commerce or possible interference with railway  
79 or barge transportation. In addition, the commission shall consider economic  
80 feasibility or impact that would benefit land-based development and permanent  
81 job creation. The commission shall not discriminate among applicants for  
82 continuous-docking excursion gambling that are similarly situated with respect  
83 to the criteria set forth in this section;

84           (17) The commission shall render a finding concerning the possibility of  
85 continuous docking, as described in subdivision (15) of this section, within thirty  
86 days after a hearing on any request from an applicant or licensee. Such hearing

87 may be held prior to any final action on licensing to assist an applicant and any  
88 city or county in the finalizing of their economic development plan;

89 (18) To require any applicant for a license or renewal of a license to  
90 operate an excursion gambling boat to provide an affirmative action plan which  
91 has as its goal the use of best efforts to achieve maximum employment of  
92 African-Americans and other minorities and maximum participation in the  
93 procurement of contractual purchases of goods and services. This provision shall  
94 be administered in accordance with all federal and state employment laws,  
95 including Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights  
96 Act of 1991. At license renewal, the licensee will report on the effectiveness of  
97 the plan. The commission shall include the licensee's reported information in its  
98 annual report to the joint committee on gaming and wagering;

99 (19) To take any other action as may be reasonable or appropriate to  
100 enforce sections 313.800 to 313.850 and the commission rules.

**313.806. Other provisions of law to the contrary notwithstanding,  
2 the Missouri gaming commission or any member thereof shall have no  
3 authority to, and be strictly prohibited from, operating or being an  
4 employee of an excursion gambling boat located within this state.**

313.812. 1. **Except as provided in subsection 15 of this section,** the  
2 commission may issue licenses pursuant to subsection 1 of section 313.807 when  
3 it is satisfied that the applicant has complied with all rules and regulations,  
4 including an update of all information provided to the commission in the  
5 licensee's initial application. The commission shall decide the number, location  
6 and type of excursion gambling boat in a city or county under subsection 10 of  
7 this section. The license shall set forth the name of the licensee, the type of  
8 license granted, the place where the excursion gambling boat will operate and  
9 dock, including the docking of an excursion gambling boat which is continuously  
10 docked, and other information the commission deems appropriate. The  
11 commission shall have the ultimate responsibility of deciding the number,  
12 location, and type of excursion gambling boats licensed in a city or county;  
13 however, any city or county which has complied with the provisions of subsection  
14 10 of this section shall submit to the commission a plan outlining the following:

15 (1) The recommended number of licensed excursion gambling boats  
16 operating in such city or county;

17 (2) The recommended licensee or licensees operating in such city or  
18 county;

19 (3) The community's economic development or impact and affirmative  
20 action plan concerning minorities' and women's ownership, contracting and  
21 employment for the waterfront development;

22 (4) The city or county proposed sharing of revenue with any other  
23 municipality;

24 (5) Any other information such city or county deems necessary; and

25 (6) Any other information the commission may determine is necessary.  
26 The commission shall provide for due dates for receiving such plan from the city  
27 or county.

28 2. A license to operate an excursion gambling boat shall only be granted  
29 to an applicant upon the express conditions that:

30 (1) The applicant shall not, by a lease, contract, understanding, or  
31 arrangement of any kind, grant, assign, or turn over to a person the operation of  
32 an excursion gambling boat licensed under this section or of the system of  
33 wagering described in section 313.817. This section does not prohibit a  
34 management contract with a person licensed by the commission; and

35 (2) The applicant shall not in any manner permit a person other than the  
36 licensee and the management licensee to have a share, percentage, or proportion  
37 of the money received for admissions to the excursion gambling boat.

38 3. The commission shall require, as a condition of granting a license, that  
39 an applicant operate an excursion gambling boat which, as nearly as practicable,  
40 resembles or is a part of Missouri's or the home dock city's or county's riverboat  
41 history.

42 4. The commission shall encourage through its rules and regulations the  
43 use of Missouri resources, goods and services in the operation of any excursion  
44 gambling boat.

45 5. The excursion gambling boat shall provide for nongaming areas, food  
46 service and a Missouri theme gift shop. The amount of space used for gaming  
47 shall be determined in accordance with all rules and regulations of the  
48 commission and the United States Coast Guard safety regulations.

49 6. A license to operate gambling games or to operate an excursion  
50 gambling boat shall not be granted unless the applicant has, through clear and  
51 convincing evidence, demonstrated financial responsibility sufficient to meet  
52 adequately the requirements of the proposed enterprise.

53 7. Each applicant shall establish by clear and convincing evidence its  
54 fitness to be licensed. Without limitation, the commission may deny a license

55 based solely on the fact that there is evidence that any of the following apply:

56 (1) The applicant has been suspended from operating an excursion  
57 gambling boat or a game of chance or gambling operation in another jurisdiction  
58 by a board or commission of that jurisdiction;

59 (2) The applicant is not the true owner of the enterprise proposed;

60 (3) The applicant is not the sole owner, and other persons have ownership  
61 in the enterprise, which fact has not been disclosed;

62 (4) The applicant is a corporation that is not publicly traded and ten  
63 percent or more of the stock of the corporation is subject to a contract or option  
64 to purchase at any time during the period for which the license is to be issued  
65 unless the contract or option was disclosed to the commission and the commission  
66 approved the sale or transfer during the period of the license;

67 (5) The applicant has knowingly made a false statement of a material fact  
68 to the commission; or

69 (6) The applicant has failed to meet a valid, bona fide monetary obligation  
70 in connection with an excursion gambling boat.

71 8. A license shall not be granted if the applicant has not established his  
72 good repute and moral character or if the applicant has pled guilty to, or has been  
73 convicted of, a felony. No licensee shall employ or contract with any person who  
74 has pled guilty to, or has been convicted of, a felony to perform any duties directly  
75 connected with the licensee's privileges under a license granted pursuant to this  
76 section, except that employees performing nongaming related occupations as  
77 determined by the commission shall be exempt from the requirements of this  
78 subsection.

79 9. A licensee shall not lend to any person money or any other thing of  
80 value for the purpose of permitting that person to wager on any gambling game  
81 authorized by law. This does not prohibit credit card or debit card transactions  
82 or cashing of checks. Any check cashed must be deposited within twenty-four  
83 hours. The commission may require licensees to verify a sufficient account  
84 balance exists before cashing any check. Any licensee who violates the provisions  
85 of this subsection shall be subject to an administrative penalty of five thousand  
86 dollars for each violation. Such administrative penalties shall be assessed and  
87 collected by the commission.

88 10. Gambling excursions including the operation of gambling games on an  
89 excursion gambling boat which is not continuously docked shall be allowed only  
90 on the Mississippi River and the Missouri River. No license to conduct gambling

91 games on an excursion gambling boat in a city or county shall be issued unless  
92 and until the qualified voters of the city or county approve such activities  
93 pursuant to this subsection. The question shall be submitted to the qualified  
94 voters of the city or county at a general, primary or special election upon the  
95 motion of the governing body of the city or county or upon the petition of fifteen  
96 percent of the qualified voters of the city or county determined on the basis of the  
97 number of votes cast for governor in the city or county at the last election held  
98 prior to the filing of the petition. The question shall be submitted in  
99 substantially the following form:

100           Shall the City (County) of ..... allow the licensing of excursion  
101 gambling boats or floating facilities as now or hereafter provided by Missouri  
102 gaming law in the city (county)?

103                           ☐ YES   ☐ NO

104 If a majority of the votes cast on the question by the qualified voters voting  
105 thereon are in favor of the question, then the commission may license excursion  
106 gambling boats in that city or county and such boats may operate on the  
107 Mississippi River and the Missouri River. If a majority of the votes cast on the  
108 question by the qualified voters voting thereon are opposed to the question, then  
109 the commission shall not license such excursion gambling boats in such city or  
110 county unless and until the question is again submitted to and approved by a  
111 majority of the qualified voters of the city or county at a later election.

112 Excursion gambling boats may only dock in a city or unincorporated area of a  
113 county which approves licensing of such excursion gambling boats pursuant to  
114 this subsection, but gambling operations may be conducted at any point on the  
115 Mississippi River or the Missouri River during an excursion. Those cities and  
116 counties which have approved by election pursuant to this subsection, except  
117 those cities or counties which have subsequently rejected by election, the  
118 licensing of any type of excursion gambling boats in the city or county prior to  
119 April 6, 1994, are exempt from any local election requirement of this section as  
120 such previous election shall have the same effect as if held after May 20, 1994.

121           11. If a docking fee is charged by a city or a county, a licensee operating  
122 an excursion gambling boat shall pay the docking fee prior to the start of the  
123 excursion season.

124           12. Any licensee shall not be delinquent in the payment of property taxes  
125 or other taxes or fees or in the payment of any other contractual obligation or  
126 debt due or owed to the state or a political subdivision of the state.

127           13. An excursion gambling boat licensed by the state shall meet all of the  
128 requirements of chapter 306, RSMo, and is subject to an inspection of its sanitary  
129 facilities to protect the environment and water quality by the commission or its  
130 designee before a license to operate an excursion gambling boat is issued by the  
131 commission. Licensed excursion gambling boats shall also be subject to such  
132 inspections during the period of the license as may be deemed necessary by the  
133 commission. The cost of such inspections shall be paid by the licensee.

134           14. A holder of any license shall be subject to imposition of penalties,  
135 suspension or revocation of such license, or if the person is an applicant for  
136 licensure, the denial of the application, for any act or failure to act by himself or  
137 his agents or employees, that is injurious to the public health, safety, morals,  
138 good order and general welfare of the people of the state of Missouri, or that  
139 would discredit or tend to discredit the Missouri gaming industry or the state of  
140 Missouri unless the licensee proves by clear and convincing evidence that it is not  
141 guilty of such action. The commission shall take appropriate action against any  
142 licensee who violates the law or the rules and regulations of the  
143 commission. Without limiting other provisions of this subsection, the following  
144 acts or omissions may be grounds for such discipline:

145           (1) Failing to comply with or make provision for compliance with sections  
146 313.800 to 313.850, the rules and regulations of the commission or any federal,  
147 state or local law or regulation;

148           (2) Failing to comply with any rule, order or ruling of the commission or  
149 its agents pertaining to gaming;

150           (3) Receiving goods or services from a person or business entity who does  
151 not hold a supplier's license but who is required to hold such license by the  
152 provisions of sections 313.800 to 313.850 or the rules and regulations of the  
153 commission;

154           (4) Being suspended or ruled ineligible or having a license revoked or  
155 suspended in any state of gaming jurisdiction;

156           (5) Associating with, either socially or in business affairs, or employing  
157 persons of notorious or unsavory reputation or who have extensive police records,  
158 or who have failed to cooperate with any officially constituted investigatory or  
159 administrative body and would adversely affect public confidence and trust in  
160 gaming;

161           (6) Employing in any gambling games' operation or any excursion  
162 gambling boat operation, any person known to have been found guilty of cheating

163 or using any improper device in connection with any gambling game;

164 (7) Use of fraud, deception, misrepresentation or bribery in securing any  
165 permit or license issued pursuant to sections 313.800 to 313.850;

166 (8) Obtaining or attempting to obtain any fee, charge, or other  
167 compensation by fraud, deception, or misrepresentation;

168 (9) Incompetence, misconduct, gross negligence, fraud, misrepresentation  
169 or dishonesty in the performance of the functions or duties regulated by sections  
170 313.800 to 313.850.

171 **15. The commission shall be authorized to issue a maximum of**  
172 **sixteen licenses to operate excursion gambling boats in the state. If one**  
173 **or more of the sixteen licenses issued under this subsection expires, is**  
174 **not renewed, is forfeited, or revoked, then the commission may issue a**  
175 **new license to replace the license that expired, was not renewed, was**  
176 **forfeited, or revoked, but such license shall only be issued for the same**  
177 **excursion gambling boat or another excursion gambling boat which will**  
178 **be located in the same or adjoining city, county, or city not within a**  
179 **county as the excursion gambling boat whose license expired, was not**  
180 **renewed, was forfeited, or revoked.**

**313.823. In addition to all other fees and taxes required or paid,**  
2 **an excursion gambling boat licensee shall pay an additional education**  
3 **allowance on all adjusted gross receipts in excess of forty million**  
4 **dollars received from gambling games authorized under sections**  
5 **313.800 to 313.850 at the rate of four and one quarter percent. The**  
6 **education allowance shall be paid to the commission under rules and**  
7 **regulations promulgated by the commission. The proceeds obtained**  
8 **from the education allowance shall be transferred to the credit of the**  
9 **smart start fund in section 160.534, RSMo.**

**313.964. Without limiting the obligations of the class A licensee**  
2 **under subdivision (4) of section 313.817, no documentation or other**  
3 **form of identification, including biometric identification, shall be**  
4 **required to enter the area where gambling is being conducted on an**  
5 **excursion gambling boat unless requested of a patron by a class A**  
6 **licensee.**

**Section 1. Any advertising featuring the contribution of gaming**  
2 **to education, whether by the Missouri gaming commission, a licensed**  
3 **excursion gambling boat, or any affiliate or association representing**



4 licensed excursion gambling boats, shall clearly and conspicuously  
5 state the following: Under the Missouri Constitution, all proceeds  
6 derived from the gross receipts tax on excursion gambling boats is used  
7 to fund education, however this amount only constitutes (insert actual  
8 percentage for the year preceding the fiscal year in which the  
9 advertisement appears) of the total expenditures for education under  
10 the school funding formula. Such statement shall be made in a font no  
11 smaller than the largest font used in the advertisement.

Unofficial ✓

Bill

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